



101 East Central Boulevard
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October 27, 2016

FCC, Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re:	CC Docket No. 02-6:	School and Libraries Program
	Billed Entity Name:	Orange County Library System
	Billed Entity Number:	127680
	Form 471 Application Number:	808172
	Form 470 Application Number:	339350000888421
	FCC Registration Number:	143032782
	Funding Request Number (FRN):	2194298

The Orange County Library System (The Library) received an Administrator's Decision Appeal – Funding Year 2011-2012 letter from USAC dated September 08, 2016. The letter from USAC denied our appeal to an audit that was performed in July 2015. This letter is an appeal to the FCC regarding USAC's decision.

During the audit, it was determined that the funding commitment for internet access service must be rescinded in full. The Library failed to produce, at the request of the auditors, the documentation pertaining to its pre-bidding process for FRN 2194298. Documentation supporting the vendor selection process was not maintained. Please see attached Funding Commitment Adjustment Report.

The FCC review process revealed that we did not maintain proper documentation to demonstrate the score for our vendor selection, but this review process also determined that the services requested in form 471 application number 808172 were for eligible services. For this reason, we believe that the amount we should reimburse is \$24,118.80, which is the difference between the lowest bid and the bid we chose.

The table below shows the cost for the service providers bids by TW Telecom, that was the bid we chose, and FPL Fiber, which was the lowest bid for this service.

TW Telecom

Monthly Cost	\$	6,490.00	
Non Recurring Cost	\$	-	
FY 2011 Cost (12 months)		\$	77,880.00
FY 2011 80% Discounted Cost			\$ 62,304.00

FPL Fiber

Monthly Cost	\$	3,936.00	
Non Recurring Cost	\$	500.00	
FY 2011 Cost (12 months)		\$	47,732.00
FY 2011 80% Discounted Cost			\$ 38,185.60

Repayment amount requested by the Library	\$	24,118.40
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The Library agrees that at the time of the audit we were not able to provide documentation regarding the bid scoring for this service. Unfortunately, the person that was in charge of directing the application for Erate during that period, William Atkinson, is no longer with the Library. The Library does recognize that this information was required to be kept as part of the retention policy, and has already implemented corrective measures. We were not able to provide documentation of bid scoring for the internet access service but were able to provide bid scoring for the other two services: phone and wide area network for the 2011 funding year. At the time, we decided to continue our internet access service with the same service provider (TW Telecom) that we chose during FY 2010, rather than to go with the lowest bid service provider (FPL Fiber). TW Telecom was no longer the lowest bid for FY 2011 but their bid was lower than what we were paying during FY 2010. Additionally, costs associated with switching providers including labor, reconfiguration of infrastructure, reassigning IP addresses for outward facing server, etc. led the Library to choose the existing provider, over the other provider which provided an initially lower bid.

The Orange County Library System appreciates your consideration of our request to reimburse \$24,118.40 versus the \$62,304.00 referenced in the attached Funding Commitment Adjustment Report.

A handwritten signature in blue ink that reads "Ricardo Viera".

Ricardo Viera
IT Director
Orange County Library System

**Funding Commitment Adjustment Report for
Form 471 Application Number: 808172**

Funding Request Number:	2194298
Services Ordered:	INTERNET ACCESS
SPIN:	143032782
Service Provider Name:	TW Telecom Holdings, Inc.
Contract Number:	NA
Billing Account Number:	407-835-7323
Site Identifier:	127680
Original Funding Commitment:	\$62,304.00
Commitment Adjustment Amount:	\$62,304.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$62,304.00
Funds to be Recovered from Applicant:	\$62,304.00
Funding Commitment Adjustment Explanation:	

During an audit it was determined that this funding commitment must be rescinded in full. The applicant failed to produce at the request of the auditors documentation pertaining to its pre-bidding process for FRN 2194298: Documentation supporting the vendor selection process was not maintained. For Fund Year 2011 FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs record keeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to produce the above specified documentation upon request of the auditor, your compliance with the competitive bidding process and price as the primary factor in the vendor selection process could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of the \$62,304.00 of improperly disbursed funds from the applicant.